

III. REMARKS

Claims 1-28 are pending in this application. By this amendment, claims 1, 4, 7, 8, 12, 14, 17, 20, 23 and 26 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter “Pulsipher,” in view of Steele *et al.* (U.S. Patent No. 6,282,175), hereafter “Steele.” Applicants assert that the references cited by the Office do not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 7, 12, 17 and 23, Applicants submit that the cited references fail to teach, *inter alia*, a collection system for collecting device identification and detail information from devices on the network by querying each device to retrieve the device identification and detail information. Instead, the passage of Pulsipher cited by the Office teaches “[t]he network monitor discovers and monitors network topology...the network monitor can also receive events from other devices, such as a router, in the network.” Col. 7, lines 42-44, 47-49.

To this extent, Pulsipher does not collect information in the same manner as in the claimed invention. The network monitor of Pulsipher is an in-line monitor that monitors network topology as it is passed through the network. This monitoring may include receiving events from other devices. However, Pulsipher simply receives information as it is passed

through the network and does not query the devices in the network to retrieve the information. Thus, the monitoring and receiving of Pulsipher does not teach actively querying, such as by pinging, information from a particular device.

Furthermore, the receiving and monitoring of Pulsipher is not triggered by a querying of the device by the network monitor. Instead, as stated above, the network monitor of Pulsipher is simply placed in a position to intercept communications between devices in the network. Nowhere does Pulsipher teach that its network monitor retrieves the device identification and detail information from each device in response to querying the device.

In contrast, the claimed invention includes "...a collection system for collecting device identification and detail information from devices on the network by querying each device to retrieve the device identification and detail information." Claim 1. As such, the collection system of the claimed invention does not simply monitor network topology as does the network monitor of Pulsipher, but instead collects device identification and detail information from devices on the network by querying each device to retrieve the device identification and detail information from each device. Thus, the collection system as included in the present invention is not taught by the network monitor of Pulsipher. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With further respect to dependent claims 4, 8, 14, 20 and 26, Applicants submit that the cited references fail to teach or suggest that the device identification and detail information that is collected includes device identities, device types, device addresses, device characteristics including amount of RAM, operating system including version and application software including version installed on the devices, and software characteristics of the devices on the

network. For example, neither of the cited references discloses collecting information pertaining to how much RAM a workstation currently has or that workstation A has Microsoft WordTM and/or the software version. To this extent, the cited references do not teach collecting the same type of information as does the claimed invention. Furthermore, Pulsipher could not collect all of the types of information collected by the claimed invention, e.g., the device characteristic information and software information because the communications that Pulsipher monitors to get its information do not contain this type of information. In addition, this type of information is not the type of information that is sent in communications such as those monitored by Pulsipher. Sending such information that is gathered in Steele in a communication such as the one monitored in Pulsipher would significantly add to the size of the communication, causing the system to become more inefficient. Accordingly, a combination of Pulsipher and Steele as proposed by the Office would not function in such a manner as to provide the Pulsipher network monitor with operating system information. Thus, the Office has failed to prove a prima facie case of obviousness. Accordingly, Applicants respectfully request that the Office withdraw the rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all defendant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/

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